

Health and Social Services Committee HSS-08-01(p.4)

Date: 16 May 2001

Venue: Committee Room 3, National Assembly for Wales

Title: Care Standards Inspectorate for Wales (CSIW) - Progress on Implementation

Purpose

1. The purpose of this paper is to :

- provide the Committee members with a report on progress in planning the implementation of the new Care Standards Inspectorate for Wales (CSIW) which from 1 April 2002 will become a new division of the Assembly and:
- to update members on the programme of secondary legislation flowing from the Care Standards Act 2000.

Background

2. The background to the policy reform of the arrangements for the

regulation and inspection of social and private voluntary healthcare was set out in the White Paper "Building for the Future" (Chapter 4) and has been covered in earlier Committee papers :

- HSS 02-99(p3)
- HSS 08-99(p2)
- PRE 16-06-99(p3)
- HSS 02-01(p11)

3. The Care Standards Act established primary powers for these new regulatory arrangements. The policy requirements for Wales previously agreed by the Committee are now reflected in the Act.

The Context

4. The main purpose of the Act is to reform the regulatory system for care services in Wales and England and to improve protection for vulnerable people. These regulatory functions will be undertaken by the new Care Standards Inspectorate in Wales and, in England, by the National Care Standards Commission and Ofsted (who will be responsible for regulating day care for children under 8). The new

regulatory authorities will take over regulatory responsibility for all those services currently regulated by local and health authorities :

- *Residential care homes*
- *Children's homes*
- *Independent boarding schools (welfare inspections only)*
- *Nursing homes*
- *Day care for children under 8*

5. The Act provides that the new regulatory authorities should take on new functions to include :-

- *Local authority care homes (on the same basis as those in the independent sector)*
- *Domiciliary care in both the statutory and independent sectors*
- *Maintained boarding schools (welfare inspections only)*
- *Private and voluntary healthcare*

Progress on the Management and Operational Structure of the CSIW

6. The CSIW will be based in 8 regional locations, with the Headquarters being co-located at Nantgarw with the Vale & Valleys Regional Office. Three of the regions will also have local offices. Accommodation has been identified and has either been, or is in the process of being acquired for all but one of the offices. Wherever possible, the CSIW has been co-located with existing Assembly offices, making good use of spare capacity and keeping costs to a minimum.

7. The CSIW will be a division of the Assembly and will be co-joined at senior management level with the Social Services Inspectorate for Wales under a Chief Inspector. Recruitment of the senior management team, which includes the regional managers, is well underway. The Head of Regulation, a senior civil service post, has been recruited by external means. Subject to references and police checks we anticipate that he will take up his appointment towards the end of the summer. Recruitment for the Deputy, again external, is also well advanced.

8. The staffing structure and grading have been devised and quality assured. We will need to recruit additional staff in the autumn to fill any gaps and to cover the additional workload arising from the inspection and registration of new settings, as determined by the Care Standards Act 2000. About 200 existing local and health authority staff will be eligible to transfer to the Assembly with their work on 1 April 2002. Their employment rights are protected by the Act and we are applying TUPE principles to the transfer.

Programme of Secondary Legislation

9. Regulations and national minimum standards will underpin the work of the new Inspectorate and the Care Standards Act 2002 places a duty to consult on these regulations and national standards. The

original programme of legislation was set out in paragraphs 6 - 9 of HSS 02-01(p11). There has been some slippage in the timetable due to delays in the production of regulations and standards. In order to avoid further delay and because we are conscious of the need to meet the Assembly's scheduled timetable for considering some of these regulations and standards in November, we shall be consulting in advance of DH on a number of these consultation exercises.

10. Consultation is imminent on the Children's Homes standards and following on from these, consultation will take place on regulations and associated standards on the main bulk of care settings early summer in time for these to be debated and made in November 2001. For those where the timetable for consultation will slip into mid to late summer, it is proposed that the remaining orders should be debated and made sometime in January 2002. Members of the Committee will be provided with copies of all consultation documents as they are issued.

Compliance

11. The drafting of the regulations and standards are covered by Standing Orders 22 and 27 and section 65 of the Government of Wales Act 1988. The powers of the Assembly under the Care Standards Act were delegated to the First Minister on 14 September. There are no issues of regularity or propriety.

Action

12. The Committee is asked to note the progress in developing the implementation programme for the Care Standards Inspectorate for Wales.

Jane Hutt

Minister for Health & Social Services May 2001

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